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SUBJECT: UNGA THIRD COMMITTEE TAKES ACTION ON THE HUMAN RIGHTS COUNCIL REPORT

REF: USUN NEW YORK 01010

USUN NEW Y 00001112 001.2 OF 002

¶1. (U) Summary: On Nov. 16 the Third Committee of the UN General Assembly adopted by a vote of 165-7(U.S.)-3 a resolution containing the so-called institution-building package of the UN Human Rights Council (HRC), as amended by Cuba on behalf of the Non-Aligned Movement. (The amendment added to the package a resolution containing a code of conduct for the HRC's special procedures mandate-holders. The HRC had adopted both resolutions in June.) The United States and Israel disassociated from consensus on the adoption of the amendment, and Israel called for a recorded vote on the package. Canada, Palau, Micronesia, the Marshall Islands, and Australia joined the United States and Israel in voting against the package. The U.S. Permanent Representative to the UN, Ambassador Zalmay Khalilzad, delivered an explanation of vote, expressing U.S. concerns regarding the HRC, including its failure to address the situation of human rights violations in Zimbabwe, DPRK, Iran, Belarus and Cuba. (The full text is available at [www.usunnewyork.usmission.gov/press releases/20071116 313.html](http://www.usunnewyork.usmission.gov/press%20releases/20071116%20313.html).) Finally, the Committee took note of the HRC's report (A/62/53) and once again the United States and Israel, joined by Palau, disassociated from consensus. End summary.

¶2. (U) As they had during the Nov. 5-6 general discussion of the HRC report (reftel), several nations joined the United States in criticizing the HRC for the unbalanced and selective nature of its decisions. Ambassador Khalilzad criticized the HRC's "relentless focus during the year on a single country---Israel." Palau, Micronesia, Australia, Canada, Poland, the Netherlands, Portugal on behalf of the EU, the UK, and France also criticized the HRC for singling out Israel as the only country with its own permanent item on the HRC agenda. Many stated that this selectivity goes against the principles upon which the HRC was created. But Cuba, Syria, Palestine, Iran and Sudan all praised the decision and stated that the special procedure should remain in place until the end of the Israeli occupation.

¶3. (U) Ambassador Khalilzad also expressed disappointment over the elimination of the mandates of the Special

Rapporteurs "on two of the world's most active perpetrators of serious human rights violations, the Governments of Cuba and Belarus." Joining the United States, Canada, Australia, Portugal on behalf of the EU, the Netherlands, Poland, the UK, France, and the Czech Republic also expressed regret that the HRC had decided to terminate the UN country mandates on human rights in Belarus and Cuba. Belarus, Cuba and Iran welcomed the move. Belarus stressed the importance of the HRC's new Universal Periodic Review as a means for reviewing all member states' human rights records objectively and said it hoped "the era of teachers and students in the area of human rights will remain in the past." Cuba called the end of the "unjust anti-Cuban mandate" a tribute to its long resistance, but stated that the Council did not go far enough and should have eliminated all country mandates.

¶4. (U) Both the United States and Canada were critical of the manner in which the HRC package was adopted at the Human Rights Council. Ambassador Khalilzad described the procedure as "deeply unfair and un-transparent," noting that an announcement was made in Geneva on July 19 that the Council had adopted the package the previous night, when "the only thing that really happened the night before was an announcement that the Council would not act on the package until the next day." He noted that if a national election were carried out in this way, "the world would rightly regard that election as unfree and unfair." Canada expressed regret that "procedural maneuvering took precedence over the principles at stake" when the HRC adopted the package by consensus, although Canada had made it clear that consensus did not exist. The Canadian delegate argued that "Canada was denied its sovereign right to call a vote on the substance of the package," in a move that ignored the HRC and UN rules of procedure and that set a "very dubious precedent."

¶5. (U) Several EU countries called the code of conduct for
USUN NEW Y 00001112 002.2 OF 002

the special procedures mandate-holders redundant and unnecessary, but expressed hope that it would lead member states to increase their cooperation with the mandate-holders. Iran praised the code of conduct as a means of guaranteeing the impartial performance of all mandate-holders and also called for a review of all mandates.

¶6. (U) Responding to criticism of the HRC by the United States, the Cuban delegate alleged that the United States, "a major violator of human rights," had not even submitted its candidacy to the Human Rights Council for fear that it would not be elected. He also criticized Israel, Canada, Australia, Portugal on behalf of the EU, the Netherlands, Poland, the UK, France, and the Czech Republic for failing to address arbitrary detentions in the "illegally occupied territory" of Guantanamo. The Cuban delegate also criticized the U.S. trade embargo, alleging that the United States wants to "reconquer" Cuba by force.

¶7. (U) Sudan argued that the United States was acting as judge and jury on human rights and expressed its desire for the HRC to evaluate the Human Rights of the United States, especially regarding "concentration camps" and other prisons.

¶8. (U) Ambassador Grover Joseph Rees responded to Cuba and Sudan in a right of reply, thanking them for their interventions and noting that the United States, Cuba and Sudan did not disagree on as many things as previously thought: although Cuba and Sudan often say that the UN fora should not be used to "name and shame" human rights violators, their anti-U.S. interventions demonstrate that in fact they agree with the U.S. that, in some cases, "naming and shaming" is permissible.

¶9. (U) The US right of reply led to responses by Cuba, Sudan and the DPRK. Cuba stated that the Cuban government is diametrically opposed to the US positions on human rights,

accusing the US of violating civil rights in other countries and of being mainly responsible for the crimes against the Palestinian people. Also responding to the US right of reply, the Sudanese delegate called on the United States to open the doors of the detention center in Guantanamo to the UN's Special Rapporteurs, so that the international community "could know the worst violations of human rights of this 'pioneer' of human rights."

¶11. (U) The North Korean delegate added to the criticism of the United States, asking whether the United States as the "worst human rights violator" should be viewed as a role model and accusing the United States of "attacking, occupying and killing innocent people" and discriminating against the U.S. minority population. He called on the United States to "mend its own house" before talking about the human rights situation in other countries.

¶12. (U) Ambassador Rees delivered a statement disassociating the United States from consensus on the HRC Report (Text available at www.usunnewyork.usmission.gov/press_releases/20071116_315.html). Deputy U.S. Representative to ECOSOC Robert S. Hagen delivered the U.S. statement of disassociation from consensus on the Cuban amendment (www.usunnewyork.usmission.gov/press_releases/20071116_318.html).
Khalilzad